

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHARLES R. EAGLE BOY,	)	4:13CV3010
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
FRED BRITTEN,	)	
	)	
Defendant.	)	

This matter is before the court on Plaintiff's Motion to Appoint Counsel, Motion to Appear Telephonically, and Motion for Status. (Filing Nos. [4](#), [5](#), and [9](#).)

**A. Motion to Appoint Counsel**

Plaintiff seeks the appointment of counsel. However, the court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel . . . ." [Id.](#) (quotation and citation omitted). No such benefit is apparent here. Thus, the request for the appointment of counsel is denied without prejudice to reassertion.

**B. Motion for Status**

In Plaintiff's Motion for Status, Plaintiff seeks information on the status of his Motion for Leave to Proceed in Forma Pauperis and the payment of his initial partial filing fee. (Filing No. [9](#).) On February 20, 2013, the court granted Plaintiff's Motion for Leave to Proceed in Forma Pauperis, and ordered Plaintiff to pay an initial partial filing fee in the amount of \$53.99. (Filing No. [8](#).) The court received payment of

Plaintiff's initial partial filing fee on March 21, 2013. (Docket Sheet.) The next step in Plaintiff's case is for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

**C. Motion to Appear Telephonically**

As best as the court can tell, Plaintiff's Motion to Appear Telephonically is a request for a telephonic hearing. (Filing No. [5](#).) No telephonic hearing is required at this time, and his Motion will be denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Appoint Counsel (Filing No. [4](#)) is denied.
2. Plaintiff's Motion for Status (Filing No. [9](#)) is granted to the extent it is consistent with this Memorandum and Order.
3. Plaintiff's Motion to Appear Telephonically (Filing No. [5](#)) is denied.

DATED this 28<sup>th</sup> day of March, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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